

JAMES E. BICKFORD  
SECRETARY



PAUL E. PATTON  
GOVERNOR

COMMONWEALTH OF KENTUCKY  
**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
FRANKFORT OFFICE PARK  
14 REILLY RD  
FRANKFORT KY 40601


March 21, 1997

The Honorable Richard Terry  
Mayor, City of Hillview  
298 Prairie Drive  
Hillview, Kentucky 40229

Dear Mayor Terry:

Thank you for your letter concerning wastewater treatment in Hillview and northern Bullitt County. You noted your desire that interim expansion of existing privately owned wastewater facilities be approved by the Division of Water while regional planning is undertaken. We currently have no requests for your area, but wish to inform you of the factors we must consider when reviewing such requests. First is the water quality conditions of the receiving waters. Many of the streams in northern Bullitt County fail to meet water quality criteria. Regulation 401 KAR 5:055 sections 2 and 7 require the Division to deny a facility which would discharge into a stream that fails to meet its designated uses unless the addition can be shown to improve existing conditions. Expansion or construction of new privately owned wastewater treatment facilities does not meet this criteria. A second factor we must consider is the compliance history of the existing facility. We do not approve expansion of facilities that fail to meet permit requirements until that facility is repaired and in full compliance.

I hope this helps explain the main criteria we must follow when considering wastewater treatment plant projects. Each project is carefully reviewed with these and other factors in mind. Please call me at (502)564-3410 if you have any questions concerning this correspondence.

Sincerely,  
  
for **Jack Wilson, Director**  
Division of Water

JAW:DL:jr



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July 21, 1999

Roy Flynn, P.E.  
Gresham Smith & Partners  
239 South Fifth Street, Suite 1200  
Louisville, Kentucky 40202

Re: Wastewater Treatment Plant Proposal  
Tanyard Branch, Bullitt County, Kentucky

Dear Mr. Flynn:

In response to your preliminary request for a wastewater treatment facility for a new development along Tanyard Branch in Bullitt County, we are unable to grant your request at this time.

A number of reports published by MSD and the U.S. Geological Survey describe serious water quality problems in the streams draining into this area of northern Bullitt County. The most significant impact is from the numerous privately owned package wastewater treatment plants located within Jefferson and Bullitt Counties. For well over ten years, the Division of Water has advocated the need for regional sewer systems to serve these rapidly growing areas. Significant progress has been made in Jefferson County, however because of budget constraints and other problems, Bullitt County is only beginning to address these issues. Bullitt County formed a Sanitation District a few years ago, however they remain unfunded and little progress toward solving these problems has occurred. Your request is the eighth denial this Division has made for new or expanded sewage treatment facilities in the northern Bullitt county area. A regional solution is clearly needed. Attached is a document the Division prepared in 1994 that describes the problems with package treatment facilities and the need for Regionalization. The Division is aggressively pursuing this statewide, and significant water quality improvements have been achieved in a number of areas in Kentucky.

Authority for this denial is based upon regulation 401 KAR 5:035, Section 3. This states that the Cabinet for Natural Resources and Environmental Protection may deny a permit to any applicant where the discharge, in the judgment of the Cabinet, does not conform to the policy of the Commonwealth as set forth in KRS 224.020. KRS 224.020 (re-codified as 224.70-100) states in part that it is the policy of the Commonwealth to "provide a comprehensive program in the public interest for the prevention, abatement, and control of pollution."

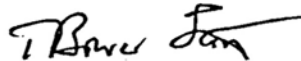


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Mr. Richard Terry, former mayor of the city of Hillview, had expressed concern about the lack of sewer service in this rapidly growing area. We met with the Mr. Terry, Dave Derrick of Derrick Engineering, and Frank Wethington, owner of several facilities in the area, on May 6, 1997. The possibility of expanding existing facilities to accommodate growth was discussed. We determined that expansion was possible, provided the Sanitation District approved this action, provided the facility is in full compliance with permit conditions, and the owner(s) are in compliance with any other permits they may hold for other facilities. Effluent limits for any expanded facility would be more strict than current limits and would require phosphorus removal. You may wish to contact the current mayor, Mr. Leemon Powell, as to the status of the city's efforts on this issue.

If you would like to submit a formal permit application, please contact Courtney Seitz at (502) 564-2225, extension 465, to obtain appropriate Kentucky Pollutant Discharge Elimination System application forms and instructions. This application begins the more formal process whereby the Division makes decisions regarding permit actions. An official denial of your proposal through this process entitles you to request a hearing under KRS 224.10-420(2). If you wish to discuss this preliminary action further, contact Dave Leist at (502) 564-2225, extension 456.

Sincerely,



R. Bruce Scott, P.E.  
Environmental Engineer Branch Manager  
KPDES Branch  
Division of Water

RBS:DL:fd

c: Mayor Leemon Powell  
Mr. Ken Stout  
Mr. Dave Derrick  
Louisville Regional Office  
Division of Water Files



# Bullitt County Sanitation District

Bullitt County, Kentucky

P.O. Box 1211 Mt. Washington, Kentucky 40047

Kenneth Rigdon  
Bullitt Co. Judge Exec. 543-2262

David Derrick  
Consulting Engineer 636-9273

## Commissioners

Kenneth Stout	Chairman	955-7516
Jim Hamilton	V. Chair. & Tr.	543-2600
Kevin Holloway	Secretary	955-6962

1999 JUL 28 P 4 08

July 23, 1999

RECEIVED BY KPDES BRANCH

R. Bruce Scott, PE  
Environmental Engineer Branch Manager  
KPDES Branch  
Division of Water  
14 Reilly Road  
Frankfort Office Park  
Frankfort, KY 40601

Dear Mr. Scott:

Thank you for the copy of your reply to Mr. Roy Flynn of Gresham Smith & Partners on July 21, 1999. In your letter you stated that this was the 8<sup>th</sup> denial this division has made for new or expanded sewage treatment facilities during the Sanitation District's existence. I am aware of a couple of situations where the District approved a small treatment facility and I believe Kentucky Division of Water also. I do not believe the Bullitt County Sanitation District has denied eight sewage treatment expansions or facilities during out existence. I understand from several individuals that the Division of Water does not believe that the Bullitt County Sanitation District is doing anything to help improve the sewage problems in north central Bullitt County.

As your department knows, after forming the District, several months elapsed before commissioners were appointed. Since that time, we have advertised and hired Derrick Engineering to do the 2001 facility plan. The Sanitation District has also met and discussed purchasing arrangements with four of the current operators in that area. Of course, several months are involved with each operator before any purchasing decisions can be made. We are currently, and have been for five months, discussing a proposal with one of the operators. This particular plant would allow the District to include two smaller plants by eliminating the need for separate operations. We have met with the Bullitt County Economic Development Director on many occasions concerning the needs. We have talked and discussed several issues with Bullitt County Judge Executive Rigdon. And we have discussed proposals with several property owners and developers in the area. We are continually moving forward in the direction of one or two regional or semi-regional plants and the elimination of those 17 individual plants that the Division of Water would like to see corrected or replaced. As soon as future developments occur, we will keep your office informed as to the work being done by the Bullitt County Sanitation District.

Sincerely,

KENNETH E. STOUT  
CHAIRMAN

C: Dave Derrick, Derrick Engineers  
Bill Gatewood, PE Manager

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